

EXHIBIT A

From: Frear Stephen Schmid <frearschmid@aol.com>
Sent: Thursday, March 16, 2023 1:07 PM
To: Fahnestock, Derek; tfreiberger1@yahoo.com; glenn.brown@realworldlaw.com
Cc: SCKline@Venable.com; MChou@Venable.com
Subject: [EXT] Re: Bausch & Lomb Incorporated et al v. SBH Holdings LLC - Court's March 9 Oral Order

Hi Derek-we stand by our proposed language and had and have nothing to add.

Very truly yours,

Frear Stephen Schmid
7585 Valley Ford Road
Petaluma, CA 94952
Tel: 415-788-5957
e-mail: frearschmid@aol.com

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-----Original Message-----

From: Fahnestock, Derek <dfahnestock@morrisnichols.com>
To: tfreiberger1@yahoo.com <tfreiberger1@yahoo.com>; Frear Stephen Schmid <frearschmid@aol.com>; glenn.brown@realworldlaw.com <glenn.brown@realworldlaw.com>
Cc: Kline, Steven C. <SCKline@Venable.com>; Chou, Monica <MChou@Venable.com>
Sent: Thu, Mar 16, 2023 6:58 am
Subject: Bausch & Lomb Incorporated et al v. SBH Holdings LLC - Court's March 9 Oral Order

Counsel:

The Court's Oral Order of March 9 (D.I. 57) states that "no later than March 15, 2023, Defendant shall submit to Plaintiff its proposed constructions for 'comprising on a daily dosage basis' and 'administering a daily dosage' (as opposed to statements about when infringement occurs, which is what is currently included in the JCCC)." That date has now passed without SBH providing the Court-ordered disclosure. Please confirm immediately that you are no longer pursuing constructions of these terms and will agree to Plaintiffs' constructions.

In view of the rapidly approaching deadline for Plaintiffs' brief, we need to hear from you by 2:00 ET today or we will need to approach the Court today regarding this violation. Plaintiffs reserve all rights to seek relief.

Regards,

Derek Fahnestock

From: ded_nefreply@ded.uscourts.gov <ded_nefreply@ded.uscourts.gov>
Sent: Thursday, March 9, 2023 4:39 PM
To: ded_ecf@ded.uscourts.gov
Subject: [EXT] Activity in Case 1:20-cv-01463-GBW-CJB Bausch & Lomb Incorporated et al v. SBH Holdings LLC Oral Order

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U.S. District Court
District of Delaware

Notice of Electronic Filing

The following transaction was entered on 3/9/2023 at 4:39 PM EST and filed on 3/9/2023

Case Name: Bausch & Lomb Incorporated et al v. SBH Holdings LLC

Case Number: [1:20-cv-01463-GBW-CJB](#)

Filer:

Document Number: 57(No document attached)

Docket Text:

ORAL ORDER: The Court, having reviewed the parties' Joint Claim Construction Chart ("JCCC"), (D.I. 54 at 2 & ex. A at 2-3), hereby ORDERS that by no later than March 15, 2023, Defendant shall submit to Plaintiff its proposed constructions for "comprising on a daily dosage basis" and "administering a daily dosage" (as opposed to statements about when infringement occurs, which is what is currently included in the JCCC). Ordered by Judge Christopher J. Burke on 3/9/2023. (dlb)

1:20-cv-01463-GBW-CJB Notice has been electronically mailed to:

Jack B. Blumenfeld Jbbefiling@mnat.com, jblumenfeld@mnat.com

Glenn A. Brown glenn.brown@realworldlaw.com, noticeme.realworldlaw@gmail.com

Derek James Fahnestock dfahnestock@mnat.com

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